

REMARKS

The Official Action has been indicated by the Examiner to be “final.” The Examiner’s new grounds of rejection under 35 U.S.C. § 103(a) over Cai et al. in view of Hollenberg is purportedly based on the fact that Cai et al. fails to disclose the claimed “indicator”, but that Hollenberg does disclose an “indicator.” Without addressing the merits of this argument at this point, it appears that it was not the Applicants’ amendment (March 16, 2005) that “necessitated the new ground(s) of rejection.” The recitation of the claim limitation “indicator” has been in Claim 1 since the outset of the prosecution of this application. Accordingly, Applicants request that the finality of the Official Action be withdrawn. Applicants’ attorney (the undersigned) believes that he discussed this issue on or about July 26, 2005 with the Examiner.

On the merits, the rejection of pending claims 1-9 and 11-14 under 35 U.S.C. § 103(a) as advanced in item No. 2 on pages 2-5 of the Official Action, and not herein repeated, is respectfully traversed.

The claimed indicator is described in detail on page 11. According to Paragraph 0025 of the specification, the data memory MSD moves in direction V1. Decodeable data signals can be detected e.g. by antennas C1 and B1. These changes in detectability can be evaluated by evaluation unit 31 to form the indicator V for the direction of movement. In Claim 1 it is said that the changes in the data signals at the receiving locations are compared and there from an indicator for the direction of movement of the mobile data memory . . . is defined.

An indicator as defined in the present invention is not disclosed in Hollenberg. FIG 2 of Hollenberg does not show an indicator for the direction of movement of a mobile data

memory. Reference number 6A is only a device and direction symbol (column 12, line 28).

Since the indicator according to Claim 1 is based on the comparison of different data signals at the receiving station, and Hollenberg does not disclose this feature, Claim 1 is deemed patentable over Cai et al. in view of Hollenberg.

In view of the foregoing, Applicants respectfully request reconsideration and allowance of the pending claims, and at the very least the withdrawal of the finality of the outstanding Official Action.

Respectfully submitted,

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